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Letter dated 7 June 2004 from the Secretary-General to the President of the Security Council

Following my meeting on 19 January 2004 with the Iraqi Governing Council and the Coalition Provisional Authority, I responded positively to their request for United Nations assistance in Iraq's political transition process. My Special Adviser, Lakhdar Brahimi, has since undertaken three missions to Iraq between February and June 2004 to help facilitate a process of national dialogue and consensus-building among Iraqis. I am pleased to attach herewith a copy of the briefing of 7 June by my Special Adviser, which constitutes the report on his third and latest mission to Iraq (see annex).

During his first visit, from 6 to 13 February, my Special Adviser and a team of the United Nations Electoral Assistance Division carried out a fact-finding mission which concluded, inter alia, that credible elections could not take place by 30 June 2004 and that an interim government would have to be formed through other means, as described in the report annexed to my letter dated 23 February 2004 to the President of the Security Council (S/2004/140).

During his second visit, from 26 March to 16 April, my Special Adviser was able to develop, on the basis of extensive consultations with a broad spectrum of Iraqis, the Governing Council and the Coalition Provisional Authority, provisional ideas for the formation of an interim Iraqi government to which sovereignty would be transferred on 30 June 2004. These ideas were welcomed in a statement by the President of the Security Council on 27 April 2004 (S/PRST/2004/11).

During his third visit, from 1 May to 2 June, my Special Adviser helped to facilitate a consultative process among Iraqis, resulting in an agreement on transitional institutions and arrangements, including the structure and composition of a sovereign and independent Interim Iraqi Government, which is to assume power by 30 June 2004. Consensus was also reached on a chairman for the Committee that will prepare for a national conference in July 2004. At the same time, United Nations electoral experts helped Iraqis to lay the essential groundwork for the holding of elections by January 2005, including through the establishment of an Independent Electoral Commission of Iraq as well as through basic agreements on the legislative framework for elections.

I welcome the outcome of my Special Adviser's mission and fully endorse the observations contained in his briefing. Through the good offices of my Special Adviser, the United Nations has accomplished its task on time and in full. While the

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report speaks for itself, I would like to take this opportunity to emphasize some observations.

The United Nations has consistently held that there is no substitute for the legitimacy that comes from free and fair elections. The elections scheduled to take place in January 2005 are therefore the most important milestone in Iraq's transitional political process. The formation of the Interim Iraqi Government marks a first step in that process.

The United Nations was fully involved in facilitating consensus on the structure and composition of the Interim Iraqi Government, which resulted from a consultative process that encompassed a large and diverse range of Iraqis, as well as those who had explicitly sought the assistance of the United Nations, namely, the Governing Council and the Coalition Provisional Authority.

Though they are not elected, we have in place a capable and reasonably balanced Interim Government poised to take power by 30 June 2004. I believe that this is the best outcome achievable under the circumstances. The Interim Government is well positioned to bring the country together and lead it effectively during the next seven months. The Interim Government marks a new phase and deserves to be given a fair chance and full support. I hope that the Iraqi people will judge it by its actions and results.

Let us be clear, however, that Iraq's current challenges will take years, not months, to overcome. A major and most immediate task for the Interim Government will be to start taking ownership of the solutions that must be found to the grave insecurity that continues to affect Iraq. The forthcoming National Conference, scheduled to take place in July 2004, will provide an ideal opportunity to start a process of national consensus-building.

To create the right conditions for elections, as well as to surmount the challenges that lie ahead, the people of Iraq urgently need help. I appeal to the Security Council and the international community at large, Iraq's neighbours in particular, to respond favourably and generously to the Interim Iraqi Government's request for assistance and support. It is my hope that through our combined efforts we can help to promote a process that impacts positively on the overall security environment and reverses the logic of violence on all sides.

The United Nations stands ready to do its utmost to contribute to the restoration of peace and stability in a unified and democratic Iraq. To that end, I look forward to seeing the role of the United Nations clearly defined, with maximum specificity, and to the creation of the conditions — including the provision of security for our staff and adequate resources — which would allow us to implement the mandate given us to the satisfaction of the people of Iraq.

I should also like to take this opportunity to pay special and heartfelt tribute to my Special Adviser, Lakhdar Brahimi, to Ms. Carina Perelli, and to their respective teams, for working with such dedication to complete their mission, under exceptionally difficult and dangerous conditions. Each and every one of them is a credit to the United Nations. We owe them thanks.

(*Signed*) Kofi A. **Annan**

Annex

Briefing of the Special Adviser to the Secretary-General, Lakhdar Brahimi, to the Security Council on the political transition process in Iraq

7 June 2004

Mr. President, Mr. Secretary-General:

It is, as ever, a privilege to address the Security Council, and I am particularly honoured to be speaking under your presidency, Mr. Ambassador.

The Secretary-General has been far too kind and generous, and I thank him on behalf of my colleagues and on my own account for his confidence, his encouragement and his support. I am also deeply grateful for the assistance that the members of the Security Council have given us.

The Secretary-General mentioned that the process of forming the interim Government that is poised to take power in Iraq by 30 June did not begin in May, but much earlier. I hope the Council will permit me to describe that process in some detail, especially as concerns last month's events. The United Nations account of how the process has unfolded should be a matter of public record.

My own personal involvement commenced with the fact-finding team I was privileged to lead to Iraq in the beginning of February. During that visit, the first of three in total, my team and I began a process of consultations with Iraqi political parties, professional associations, trade unions, religious and tribal leaders, women's groups and youth movements, intellectuals and academics, amongst others.

It was on the basis of those consultations, in addition to those with the Coalition Provisional Authority and the Governing Council, that we formulated the observations and recommendations in the fact-finding team's report. That report, which the Secretary-General transmitted to the Security Council on 23 February (S/2004/140), made clear that there was an overwhelming desire on the part of Iraqis for an elected Government to take over from the Coalition Provisional Authority. But there was also an understanding that such a Government would not be viable if the elections held for it were not genuine and credible. Our technical assessment was that the conditions simply were not there for this to happen before 30 June. Eight months at the very least would be needed to organize a proper election from the time that an electoral authority and an electoral framework had been put in place.

Naturally, delaying the end of occupation was not an option. There was therefore no alternative but to accept that restoration of sovereignty by 30 June would be made to a non-elected Government.

What was the alternative to the caucus-style system that had been rejected? It was naturally not possible to present a preferred option from the United Nations. It was up to the people of Iraq to reflect on this question, free of the sometimes politically motivated rhetoric that had surrounded the debate on whether credible elections could be held by 30 June. This was not a time to hastily push through a solution, especially because, as we pointed out in the fact-finding team's report, the country was so divided.

The Council will recall that the Transitional Administrative Law was adopted by the Governing Council and the Coalition Provisional Authority on 8 March 2004. Article 2(B)(1) of the Transitional Administrative Law stated that the interim Government to take power by 30 June would be

> "constituted in accordance with a process of extensive deliberations and consultations with cross-sections of the Iraqi people conducted by the Governing Council and the Coalition Provisional Authority and possibly in consultation with the United Nations".

Then, in a letter to the Secretary-General dated 17 March 2004 (S/2004/225, annex II), the President of the Iraqi Governing Council reaffirmed that the Governing Council welcomed United Nations consultation in the national dialogue on the shape and scope of the interim Government. In a letter dated the same day, Ambassador Paul Bremer indicated to the Secretary-General his hope that my team and I would "return to Iraq ... to help build consensus among Iraqis on the powers, structure and composition of the interim Government and the process for its establishment" (S/2004/225, annex IV). The Secretary-General informed the Security Council the following day of the letters that he had received, as well as of his positive response to them.

Against that backdrop, my team and I returned to Iraq for a second time, from 4 to 15 April. On arrival, we found that some members of the Governing Council were arguing that continuity above all would be required to face the magnitude of the challenges that would persist through the next phase of the transition. For that reason, they favoured transferring sovereignty by 30 June to themselves or to an expanded version of their Council. On the other hand, our extensive consultations with people outside the Governing Council revealed a desire for a more pronounced change.

In the end, the Governing Council itself recognized that the 15 November 2003 agreement, as well as the Transitional Administrative Law, had called for its dissolution, along with that of the Coalition Provisional Authority, by 30 June. A consensus appeared to emerge on the formation of an interim Government composed of a President, two Vice- Presidents and a Cabinet of ministers headed by a Prime Minister. Outside of the Governing Council there was a call for the Government to consist of honest and competent people who would effectively run the country for seven months or so while preparations for elections were being made. Once again, the people of Iraq, in all quarters, stressed that the elections were the most important milestone for them.

On 14 April, I informed the Iraqi public of the status of our work in progress at a joint press conference with the then President of the Governing Council, Mr. Massoud Barzani. After returning to New York for consultations with the Secretary-General, I briefed the Security Council in greater detail on 27 April. In that briefing, members will recall, I added that, ideally, those serving in the Government would choose, themselves, not to stand as candidates in the elections for the National Assembly that is to be elected by next January.

I also stressed that the formation of the interim Government alone would not be sufficient to help turn the tide of violence. Confidence-building measures would also be needed, in tandem, to address such controversial and divisive issues as the manner in which the new army would be formed, de-Baathification, and the issue of

detainees and due process. Within this context, we suggested that a national conference be convened once sovereignty had been restored, in order to provide a forum for Iraqi men and women around the country to debate and hopefully to forge consensus on the challenges that they face for their immediate and long-term future. We also proposed that this conference, bringing together 1,000 to 1,500 people reflecting the diversity of the country, should select a smaller national council that could continue the discussions and advise the interim Government throughout its short tenure. In order for this national conference to be well prepared, we recommended that a diverse preparatory committee should be formed as quickly as possible.

A few days after I briefed the Council, my team and I departed again from New York, arriving in Baghdad on 1 May, for our third and final visit. Our immediate task was to gauge the reactions to the preliminary ideas that we had presented. After all, these were not ideas that we had come up with on our own, but rather were a reflection of what we heard Iraqis telling us. Did they believe that it was a faithful reflection? With the benefit of some time to think about the proposals, did they have additional views? If they were on board with the framework, what names did they see best matching up with the positions?

These are the questions we put to our interlocutors during this third visit as we resumed our consultations. What we found was that there was virtual consensus on the structure of the Government. It had the merit of simplicity while containing enough positions of real and symbolic importance to allow most, if not all key constituencies to feel represented.

There was debate, however, on two key issues. First, how was this Government to be selected? Secondly, to what extent should political parties be represented in it?

The idea that an Iraqi Government could be even partially selected by foreigners, understandably, did not sit well with some. On the other hand, many voices were heard demanding that the United Nations alone be involved in this exercise, without the participation of the CPA and the Governing Council. On both sides of this debate, it was argued that if sufficient time were not available for a credible national conference to be convened by 30 June, then we should take six weeks or so to bring together an even smaller round table of notable figures, who would be charged with selecting the interim Government.

Our concerns with this suggestion, however, were three-fold. First, if we left the formation of the Government until the eve of 30 June, then it would not have sufficient time to prepare to take power or the opportunity to engage in the discussions on the draft resolution now before the Council. Secondly, the choice of who should participate in the round table would be influenced by foreigners and would be no less controversial than the choice of the Government itself. Thirdly, if the round table failed to reach agreement on the composition of the Government by 30 June, then the termination of the occupation would be delayed. This would not be acceptable to anyone in Iraq.

At the end of the day, there was no getting away from the fact that the interim Government would not be elected. It would be an imperfect and ambiguous process of selection, and it would not be fair to the people of Iraq to pretend otherwise.

As concerns the participation of political parties in the interim Government, we discovered that the leaders of those parties were not alone in support of their

participation. Quite a few independent Iraqi figures argued in favour of it. They stressed that, by definition, any composition of the Iraqi Government selected through these means would be controversial. They added that the magnitude of the challenges the Government would face from the outset made it imperative for its composition to be as inclusive as possible. The interim Government could ill afford to start its work with influential opposition surrounding it on all sides. Inclusion thus meant the inclusion of the larger political parties as well, and there were plenty of highly competent professionals within their ranks. The key would be to ensure that the participation of political parties did not lead to rising sectarianism, the crowding out of competent independent candidates or the disproportionate influence of any one political party in the Government.

When the time came to start discussions on actual names, we proposed the idea of forming a working group comprised of the United Nations, the CPA and the Iraqi Governing Council. It would have been impractical to include all 24 members of the Governing Council in this working group. So, instead, we suggested working with a troika of the past, present and future Presidents of the Governing Council. They were Massoud Barzani, a Kurd; Ezzedine Selim, an Arab Shia; and Sheikh Ghazi Al-Yawer, an Arab Sunni. It was in that forum that we began to discuss formally the criteria for determining which names would be considered for the positions in the interim Government, including the post of prime minister.

That the CPA and the Governing Council would need to be formally included in the discussions was, of course, a foregone conclusion for us from the outset. After all, it was they who had requested the United Nations assistance and not the other way around. Furthermore, the CPA was running the country and the Governing Council had been officially recognized by the Security Council as the highest Iraqi institution in the country.

However, the CPA and the Governing Council members themselves recognized that they could not legitimately claim to speak for all Iraqis. It was for that reason, among others, that they called on the United Nations to assist in the process in the first place. Both parties accepted, therefore, that the United Nations would introduce into the discussions the views we had been hearing from Iraqis around the country.

To be sure, due to time and security constraints, we did not consult as visibly or as widely with a sufficient number of the many civic associations or the several hundred political parties that are said to exist. Nevertheless, we did meet, during our three visits, with thousands of Iraqis from around the country — many of whom travelled to Baghdad, Erbil, Mosul and Basra to see us — when we could not go to them. I sincerely apologize to all those who sought to see us and were unable to do so.

We made a particular effort to seek out the views of the extreme critics. We also tried to give a voice to those who had been relatively silent to date, including by their own choice. One of their concerns that we kept at the forefront of our minds during the working group's discussions was a desire to avoid the reinforcement of a purely sectarian mindset in the new Government.

This working group proved to be a reasonably effective forum for thrashing ideas out. Tragically, just one day after the working group had met in Erbil, Ezzedine Selim was assassinated in Baghdad on 17 May 2004. His death was not only a blow to the process, but a real loss for the country. He was a remarkably

thoughtful and decent man who had no particular personal agenda other than to help move his country in the right direction. Soon thereafter, we invited Mr. Hamid Majid Moussa, Chairman of the Governing Council's Committee on the Transfer of Sovereignty, to replace Ezzedine Selim on the working group.

While we discussed options for different positions in the interim Government, people around the country, as well in the international community at large, were particularly focused on the prime minister. Our discussions in the working group, as well as with many groups outside of it, revealed difficulty, at first, in reaching consensus on any one particular name.

At the end of the day, the name that appeared to be gathering the most support within the Governing Council and the CPA, as well as with key communities, was that of Mr. Ayad Allawi. Though his political party is not religiously based, he maintains good relations with important religious figures. Though known for his attempts to overthrow the former regime, with outside help, he has in the past year been publicly critical of the CPA's approach to the de-baathification policy and the manner in which the former army was disbanded. Though a Shia, he enjoys good relations with key Kurdish and Arab Sunni actors alike. His résumé understandably provokes controversy, but whose name, in connection with the post of prime minister, does not in today's Iraq?

The case of Mr. Hussein Shahrastani is a good example of how difficult it is to build consensus around anyone's name. Here was a brilliant scientist and head of a charity who spent 11 years in jail. He is secular, but a devout Muslim. He is close to religious leaders and he has been active and effective in providing aid and relief to the needy. Yet his name provoked strong opposition from almost all quarters, not least among those who later opposed strongly the selection of Mr. Ayad Allawi.

Be that as it may, we made it clear to the members of the working group that we were ready to respect the emerging consensus on Mr. Ayad Allawi's selection as prime minister and that we were ready to work with him in the selection of the cabinet. The list of the full Cabinet was finalized on Tuesday, 1 June, on the basis of the recommendations that we had formally handed over to Mr. Allawi.

Prior to describing to the Council the nature of the Cabinet, I should say a word about the manner in which the three-person Presidency Council was formed. Although some very difficult compromises and statesmanship were required on all sides, consensus eventually emerged on the choice of Mr. Ibrahim Jaafari and Mr. Rowsch Shaways as Deputy Presidents. Both men command a great deal of respect and enjoy popularity in their respective communities and beyond. As for the position of President, the field narrowed relatively quickly to two candidates: Mr. Adnan Pachachi, the former Foreign Minister of Iraq, and Sheikh Ghazi Mashal Ajil al-Yawer, who, as President of the Governing Council during the difficult month of May, earned the support and respect of his colleagues. In the end, Mr. Pachachi declined the position and Sheikh Ghazi became President. I am confident that the President and his two Deputies will demonstrate the leadership and the example of unity required to help bring the country together as we travel the difficult road ahead.

As for the Council of Ministers, it is full of promise. It includes some of the best-performing incumbents, such as Ms. Nasreen Berwari, Minister of Public Works, and Mehdi Al-Hafidh, Minister of Planning. They will help bring continuity to the work already started over the past year or so. But there are also many new

faces, including the Ministers for Defence, Interior, Trade and Finance. Almost two thirds of the Cabinet is new, and only two former members of the Governing Council will be taking up Cabinet positions. The newly appointed Ministers include some of Iraq's most highly qualified and educated professionals. For example, few in Iraq can dispute the fact that the new Ministers of Oil, Health, Housing and Construction, Justice and Transport, among others, are among the most qualified people in their respective fields.

The Council of Ministers reflects to a large extent the rich regional, ethnic and religious diversity of the country. Very able Ministers from the Turkomen and Caldo-Assyrian communities are represented in the Cabinet. There are also new political figures in the Government from constituencies that had not been well represented on the Governing Council.

The Council of Ministers is composed largely of technocrats, although some of them are politically affiliated, as is often the case in many countries. I am also pleased to note that almost 20 per cent of the Council are women. Those women are known for their competence, their expertise and their dedication to the empowerment of women in public life.

Taken as a complete package, the interim Government has a great deal of talent and is well positioned to bring the country together during the next seven months or so. As Ayatollah al-Sistani recently said, it deserves to be given a fair chance and full support. At the same time, the Iraqi people will ultimately judge the interim Government on the basis of what it does.

The interim Government will need to start taking ownership of the solutions that must be found to the grave insecurity that continues to affect the country. Iraq will need an effective police force and a well-trained and professional army. Efforts to bring those about must be expedited. So, too, must the right legal, political and practical arrangements be worked out between the interim Government and any foreign forces that are sought to assist with the maintenance of security in the meantime. How that relationship is managed will greatly affect the interim Government's credibility in the eyes of the people.

In that context, it is encouraging to hear that the Prime Minister has reached agreement with the concerned parties for the dissolution of militias. That, as members may recall, was listed among the urgent confidence-building measures that we recommended after our second visit to Iraq. An equally important and urgent matter is the grave issue of the prisoners detained in the notorious Abu Ghraib detention centre and elsewhere. It would greatly help the new Government if that problem were to be completely solved even before 30 June.

We must also bear in mind that the majority of Iraqis with whom we met stressed that the problem of insecurity cannot be solved through military means alone. A political solution is required. The interim Government will need to lead the discussions on what that political solution should comprise. It will need to reach out to those who have been vocal critics of this past year's process and engage them in dialogue. It will need to resist the temptation to characterize all who have opposed the occupation as terrorists and "bitter-enders".

The National Conference provides an ideal opportunity to start that process of outreach and to build a genuinely national consensus on how to address the prevailing insecurity. Mr. Fouad Massoum will head the Committee that has been charged with preparing the National Conference, to be held in July. Mr. Massoum

has already started to reflect on the composition of the Committee, drawing on numerous recommendations that my team and I have passed on.

During that process, I am sure that Mr. Massoum and his colleagues on the Preparatory Committee will recall that the Governing Council was established strictly on a quota basis, which was universally decried and rejected. Yet all wanted fair representation for their communities and groups. It was not possible at this stage to avoid reproducing the balance of the Governing Council in the interim Government. But everyone said that that should not be a precedent and that, in future, Iraq may well have a Kurdish President or an Arab Sunni Prime Minister or, indeed, that it may see those positions occupied by individuals from smaller communities.

We believe that the National Conference should not be convened on the basis of any quota system, although care should be taken to reflect the country's diversity. In that connection, I feel that I must convey the justified demand of the Turkomen to be recognized as the third-largest community in Iraq. Similar demands have been formulated by other, smaller communities. I believe that those legitimate demands should be heeded and that they can be accommodated in the forthcoming constitution.

In conclusion, as the Secretary-General said a moment ago, the United Nations has completed its task for this particular stage in full and on time. After a long, complicated and delicate process that took place under less- than-optimal conditions, Iraq now has two institutions that are essential for the next phase: an interim Government and a national Independent Electoral Commission. As Council members may have seen through the media, that Government is generally found to be acceptable by the Iraqi people. Some are more cautious, and in some quarters there may be stronger opposition, but the Iraqi people seem to be willing to give the Government a chance to prove itself. There should be no illusion, however. The days and weeks ahead will severely test this new Government, and the solutions to Iraq's current challenges will take years, not months, to overcome. On 30 June, Iraq will reach a new phase of the political process, not the end of that process.

The fact remains, however, that neither the interim Government nor the National Council that we expect to be chosen by the National Conference will be elected bodies. And only an elected Government and an elected legislature can legitimately claim to represent Iraq. All of the work that needs to be done now — especially with respect to security — must be focused on the objective of creating the conditions for genuine and credible elections to be held by January 2005.

In order to create the right conditions for elections, as well as to face the enormous challenges before them, the people of Iraq urgently need the help of the international community. Iraq needs the clear and united support of its neighbours. Iraq needs the generosity of its creditors. Iraq needs the patient, strong and sustained support of this body, the Security Council, and that of the United Nations as a whole.